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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,358	08/28/2001	Kwoktung B. Lo	PA1617US	9189

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,358

Applicant(s)

LO, KWOKTUNG B.

Examiner

Saleh Najjar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-10 and 21 is/are allowed.
6) ☒ Claim(s) 11-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the application filed on August 28, 2001. Claims 1-21 are pending. Claims 1-21 represent method and apparatus directed toward customer premises equipment autoconfiguration.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al., U.S. Patent No. 6,636,505.

Wang teaches the invention as claimed including a automatically provisioning broadband communication equipment (see abstract).

As to claim 11, Wang teaches customer premises equipment comprising:

A modem chipset configured to send and receive packets (see figs. 1-8; col. 5-7); an asynchronous transfer mode segmentation and reassembly module coupled to the modem chipset (see fig. 13); a memory coupled to the asynchronous transfer mode segmentation and reassembly module, the memory configured to store a plurality of sets of configuration values for the customer premises equipment (see col. 6-8); and a processor coupled to the memory capable of executing program instructions, the memory including a search module configured to determine which of the plurality of sets of configuration values if any is a correct set off configuration values for establishing communications between the customer premises equipment and the network access device (see col. 8-14).

As to claim 12, Wang teaches the system of claim 11 above, wherein the configuration values include VPI and VCI values (see col. 8-14).

As to claim 13, Wang teaches the system of claim 11 above, wherein the configuration values include ATM encapsulation types (see col. 8-14).

As to claim 14, Wang teaches the system of claim 11 above wherein the plurality of sets of configuration values is a subset of all possible configuration values (see col. 8-10).

As to claim 15, Wang teaches the system of claim 11 above wherein the plurality of sets of configuration values include configuration values commonly used to establish communications with broadband network access device (see col. 5-8).

As to claim 16, Wang teaches the system of claim 11 above, wherein the customer premises equipment is a broadband modem (see col. 8-11).

As to claim 17, Wang teaches the system of claim 16 above, wherein the broadband modem is a DSL modem (see col. 5-8).

As to claim 18, Wang teaches the system of claim 11 above, wherein the plurality of sets of configuration values is stored into the memory at the time of manufacture of the customer premises equipment (see col. 8-14).

As to claim 19, Wang teaches the system of claim 11 above, wherein the search module is configured to select one of the plurality of sets of configuration values and create a discover packet that the modem chipset transmits to a network access device (see col. 8-14).

As to claim 20, Wang teaches the system of claim 11 above, wherein the search module is configured to create a discover packet for each of the plurality of sets of configuration values, and the modem chipset is configured to transmit each of the discover packets to the network access device (see col. 7-12).

4. Claims 1-10, and 21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach either singly or in combination the claimed limitation of "transmitting a discover packet including a first set of configuration values and waiting for a predetermined time period to transmit a second discover packet including a different set of configuration values if an acknowledgment response is not received during the predetermined time period" as in claims 1-10, and 21.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157